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ABSTRACT

The Maryland statewide plan to improve access to community college education for the state's handicapped population is presented in five parts. The first section describes the efforts to determine the current status of handicapped students in the community college, through extensive college self-analysis. These involved the development of plans for the architectural accessibility of college programs and a self-evaluation of college policies, practices, and programs to determine whether discrimination exists. This first section also states reasons to expect increased handicapped enrollments and the premises upon which the state plan is based. The second section describes specialized projects at some community colleges which reflect the current conditions in the delivery of educational services to the handicapped. The third section reviews existing funding sources, while the fourth considers enrollment trends and the prevalence of specific disabilities in the state. The fifth section contains recommendations in the areas of use of existing resources, in-service training, training aides, articulation, resource centers, auxiliary aids, costs, possible financing, and facilities modification. Appendices include Section 504 of the Rehabilitation Act of 1973, a list of courses for the handicapped, information on the planning process, definitions, and tabular data on enrollment, disabilities, and costs. (LS)

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Statewide Plan for the Delivery of Programs and Services to Handicapped Students in Maryland Community Colleges

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STATEWIDE PLAN

FOR

THE DELIVERY OF PROGRAMS AND SERVICES

TO

HANDICAPPED STUDENTS IN MARYLAND COMMUNITY COLLEGES

MARYLAND STATE BOARD FOR COMMUNITY COLLEGES

THE JEFFREY BUILDING ● ANNAPOLIS, MARYLAND 21401

FEBRUARY 1979

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FOREWORD

Since their inception, Maryland's community colleges have been open admission institutions to all individuals who can benefit by attending. Progress has been made recently in the development and construction of community college physical facilities to provide access for persons with physical handicaps. A great deal remains to be done, however, in order to provide program access to the citizens of Maryland who are handicapped.

The Rehabilitation Act of 1973 (Public Law 93-112), Section 504, requires each institution of higher education to provide program access. Unfortunately, this same Act does not provide additional funding to enable colleges to implement the requirements. This Plan attempts to describe the current needs existing in Maryland's community colleges, outlines successful programs currently in effect, and lays a foundation for future action as Maryland's community colleges strive to maintain their commitment to the "open door" philosophy.

Credit should go to Ms. Judy Harkins, architect of the Plan, and to the many distinguished citizens and community college faculty and administrators who assisted in the Plan's development.

I.

CURRENT STATUS

The Rehabilitation Act of 1973, Section 504, states that "No qualified handicapped individual shall, on the basis of handicap, be excluded from, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance." As recipients of Federal funds, Maryland community colleges must comply with this law. The Department of Health, Education and Welfare regulation for the Section, issued in May 1977, states that it is insufficient for an institution of higher education to admit a student who is handicapped unless reasonable accommodation is made, where necessary, to make the college's program accessible.

Although the concept of "reasonable accommodation" is open to interpretation, the Federal regulation specifies certain services and aids as illustrative of the principle. Readers for blind students, interpreters for deaf students, and extended time for completing degree requirements are all examples of reasonable accommodation. The thrust of the 504 regulation is maximum integration of disabled students into existing college programs and minimum establishment of special programs "for the handicapped." Appendix A of this Plan contains a copy of the Department of Health, Education and Welfare regulation for Section 504 and a description of its implications for colleges and universities.

Section 504 impacts on every component of community colleges. For this reason the Department of Health, Education and Welfare required colleges and universities to do an extensive self-analysis in two parts.

The first part required each college to develop a plan for the architectural accessibility of college programs. Each college was required to list the facilities modifications necessary to make college programs accessible and to indicate a timetable for completing these modifications. According to the regulations, all programs must be architecturally accessible by June 2, 1980. All Maryland community colleges have completed a Transition Plan in compliance with this provision. Copies of completed plans are on file at the State Board for Community Colleges.

With regard to facilities, it is important to note the difference between the concepts of a barrier-free environment and program accessibility. In a barrier-free environment, all barriers in all places are eliminated so that the handicapped person has unrestricted access to the entire campus. Section 504 does not require that all campuses be barrier-free, but that all colleges guarantee program accessibility. Existing inaccessible buildings need not be modified if programs scheduled in those buildings can be rescheduled elsewhere. Some buildings containing laboratories, shops, and physical education facilities, however, will likely have to be modified so that handicapped people can take advantage of programs offered.

The second part of the college's self-analysis is the Self-Evaluation. Colleges were required to involve handicapped citizens and their advocates in an analysis of college policies, practices, and programs to determine what, if any, discrimination of handicapped citizens exists.

In the Spring of 1978, the National Association of College and University Business Officers distributed the *Guide to the Section 504 Self-Evaluation for Colleges and Universities*. This document, prepared under contract from the Department of Health, Education and Welfare, Office for Civil Rights, lists specific questions that colleges should consider in evaluating their programs for possible discriminatory practices. A quote from the section on program accessibility indicates the degree of detail suggested by the Office of Civil Rights.

> "Describe the steps that will be taken to ensure that alternate testing and evaluation methods for measuring student achievement are available in every department of the institution, as required, for students with impaired sensory, manual, and speaking skills. How will the tests be administered? Discuss the procedure that will be followed for making tests available to individual students and for training faculty members in their use, as necessary." (p. 35)

Eleven of Maryland's community colleges have completed the Self-Evaluation as of the writing of this Statewide Plan. These reports are on file at the State Board for Community Colleges.

Although Section 504 will have an impact on all institutions of higher education, there are several reasons for anticipating that community colleges in particular will enroll a large number of handicapped students:

- Community colleges are accessible institutions in terms of location. Since Section 504 requires colleges to include handicapped people in their recruiting practices, handicapped people should become more aware of the programs available at their local community colleges.

- Being relatively new institutions, Maryland community college campuses probably have fewer problems with architectural barriers than other institutions of higher education. Maryland law (Section 51 of Article 78A of the *Annotated Code of Maryland*) requires that all buildings constructed with State funds after January 1, 1969 be architecturally accessible.

- A key term in the Section 504 regulations is "qualified" handicapped individual. A much larger proportion of the handicapped population is qualified for admission to community colleges than would be qualified for admission to other insitutions of higher education which do not have open admissions policies.

- Because community colleges have developmental education programs, a student with learning problems may be attracted to the community college, either as a site for occupational training or as an excellent source of preparation for a third and fourth year in a four-year college or university.

- Occupational education offered by community colleges will attract handicapped students. Disabled people are an extremely diverse group, but as a group they share the problems of underemployment and unemployment. Occupational education is a major attraction.

- The Division of Vocational Rehabilitation plans to increase the use of community colleges as a source of training for clients. The agency also sees the provision of auxiliary aids as a joint responsibility of the colleges and the Division of Vocational Rehabilitation since Section 504 emphasizes the colleges' responsibilities.

- The outreach of continuing education divisions in past years may have identified the community college as one of the few community agencies actively attempting to serve the handicapped. Therefore, the community college may seem less threatening than a university to the handicapped person who has never attended a postsecondary institution. For example, when Howard Community College and Catonsville Community College began offering interpreter services for deaf students in continuing education classes, deaf adults began requesting access to credit courses as well.

PREMISES FOR THIS PLAN

Any plan of action must flow from a set of underlying assumptions or premises. The premises which form the basis of this Plan are as follows:

- *The Maryland community college system is committed to serving all segments of the community.*

Goal 5 of the *Statewide Master Plan for Community Colleges in Maryland Fiscal Years 1979-1984* is to "provide equal access to community colleges for eligible Maryland citizens." Maryland community colleges traditionally have served a diverse student population in a variety of programs flexibly designed to meet student needs, interests, and time constraints. The goal of equal access to postsecondary education for Maryland citizens has moved community colleges toward the means to better serve handicapped persons. Community colleges offer a selection of credit and noncredit courses for the handicapped and provide training for those who work with the handicapped (Appendix B). A number of these efforts in Maryland have received national recognition for their exemplary impact.

Nonetheless, much of the work done by Maryland community colleges falls within the area of special, limited purpose projects. While such special efforts need to be continued and expanded, there is a present need to

pursue aggressively approaches which will allow handicapped persons to navigate successfully all available instructional programs--both occupational and transfer. Providing such "program accessibility" will require some modification of facilities, new equipment, and provision of additional auxiliary aids and support services. These additional elements will allow each community college to serve adequately the spectrum of handicaps present in the college service area.

- *Access to college programs is now required under Federal law.*

Congress has mandated equal opportunity and accessibility for handicapped people in the Rehabilitation Act of 1973, as amended.

- *Adjustments to accommodate handicapped people may result in increased employment among this group.*

It is reasonable to assume that improved opportunities in occupational education will increase the employment potential of handicapped citizens. Tax dollars generated from these citizen's employment would then help to offset the cost of services for handicapped students in community colleges.

- *Comprehensive support services should exist for those disabled students who can benefit from them.*

The requirements of disabled individuals vary greatly and type of disability influences these special needs. A wheelchair-bound person with no additional disabilities can communicate freely with an instructor. In contrast, a deaf person would need to overcome the communication barrier but would not be hampered by the absence of an elevator in a multi-story building. The severity of the disabling condition also influences the type of accommodation needed by students. For example, partially sighted adults require different materials from those needed by blind adults. Added to these variations are the individual differences in educational background, motivation, and personality present in every student. Some handicapped students simply need more intensive assistance than others. These students and the faculty who instruct them should be supported with adequate educational support services.

- *Community colleges will require financial support and assistance to enable them to accommodate handicapped students.*

A significant burden is currently placed upon community colleges as efforts are made to provide services to disabled students within current operating budgets.

- *A Statewide Plan will assist colleges and the State in meeting new demands in an organized and efficient manner.*

Since all colleges must begin serving qualified citizens who possess a wide range of disabilities, coordination of effort is essential.

This Plan attempts to describe the impact of serving handicapped students and recommends strategies for the improvement of service delivery.

- *The opinions of handicapped citizens, their advocates, and the seventeen community colleges are an important part of this planning process.*

This Plan incorporates the views of organizations, groups, and citizens who either represent handicapped citizens or who are handicapped individuals. Appendix C is a narrative on procedures used to involve these groups and individuals as a basis for planning.

II.

CURRENT CONDITIONS IN DELIVERY OF EDUCATIONAL SERVICES TO HANDICAPPED STUDENTS

While few Maryland community colleges are capable of providing comprehensive services for the handicapped in all areas of the college, a variety of special projects have been undertaken by individual community colleges. Most of these projects have been funded through special grants from the sources listed below.

SPECIALIZED PROJECTS

A brief explanation of some specialized projects at Maryland community colleges is presented below. As noted, many of these projects were supported in part from Federal funds granted by the Division of Vocational-Technical Education, State Department of Education.

Catonsville Community College - Program for Visually Handicapped Students

The goal of this new program of support services is to create an environment in which a visually handicapped individual may reach his or her maximum educational potential and still be as independently as possible within the community college. The emphasis is on integration of the disabled student into existing college programs. A member of the regular counseling staff and a full-time specialist work with visually handicapped college students and college staff. Maximum use is made of outside agencies and organizations, such as the Division of Vocational Rehabilitation, the Blind Industries and Services of Maryland, the Maryland School for the Blind, and the Maryland Library for the Physically Handicapped. The program is funded by the Division of Vocational-Technical Education with short-term special project funds for serving handicapped students.

Catonsville Community College - Program for Hearing Impaired Students

Grant funds from the Division of Vocational-Technical Education and the Division of Vocational Rehabilitation are assisting Catonsville in the first year of a program for hearing impaired students. Support services offered include interpreters for all classroom work, a counselor, and an instructor fluent in sign language, and special remedial education classes.

Charles County Community College - Horticulture Program for Physically Handicapped Citizens

Charles County Community College offers a certificate in Horticulture primarily for physically handicapped students, such as students with cerebral palsy and orthopedic disabilities. An accessible greenhouse is located on

the Charles County campus. The program is currently supported with the Division of Vocational-Technical Education formula funds for handicapped students.

Dundalk Community College - Single Step Program

This program, one of the first community college programs to meet the specific needs of handicapped students, has received much national attention. A brochure describes the Dundalk Community College Single Step program as a "program of guidance in job search and career decision making; effective and independent living . . . a credit-free continuing education program . . . no high school diploma is needed."

Single Step participants, which represent several disabilities, are on campus two days per week for classes and counseling. Course offerings are primarily in separate classes, although the ultimate goal is integration into regular college programs. A recent expansion of services in Single Step now allows for work-study and job placement services as well. Originally funded via the Division of Vocational-Technical Education's special project funds for programs for handicapped students, the program now operates primarily with college funds and the Division of Vocational-Technical Education handicapped formula funds. A film depicting the program is available from the office of the State Board for Community Colleges.

Essex Community College - Horticulture Education for Mentally Retarded Students

The Baltimore Association for Retarded Citizens (BARC) and Essex Community College have cooperated to offer a Horticulture training program for mentally retarded citizens on the college campus. The project is staffed by both staff of the Baltimore Association for Retarded Citizens and an instructor whose service is supported with formula funds from the Division of Vocational-Technical Education. The Baltimore Association for Retarded Citizens provides transportation and leases a house from the college for use as an activities center.

Montgomery Community College - Services for Handicapped Students

Responding to community interest, Montgomery Community College has recently increased its services to handicapped community members with an emphasis on learning-disabled students which comprise the largest number of handicapped students at the college. The college has absorbed the additional costs in its operating budget. Beginning in FY 1979, Montgomery Community College will have a full-time coordinator of programs and services for handicapped students, a full-time learning specialist, a half-time counselor for handicapped students, and a diagnostic-perceptive teacher whose speciality is learning disabilities.

Continuing Education

One of the largest areas of community college services to the handicapped Statewide has been in the area of noncredit continuing education. Most colleges offer continuing education courses for handicapped students and/or

those working with handicapped people. Through these educational offerings, community colleges have been an important resource for many handicapped people, particularly the severely handicapped. The State Board for Community Colleges reviews and makes a decision for State funding of continuing education courses which have the intent of vocational-technical education, health/safety education, licensure/certification, industrial training, family life education, or apprenticeship-related instruction. Recreational courses are not funded by the State.

In FY 1978, Maryland community colleges offered 57 specific courses for handicapped adults and twelve courses for families and professionals involved with handicapped people (Appendix B). Registration in courses for handicapped adults totaled 5,490 and State aid approved for these courses totaled $334,528.

III.

EXISTING FUNDING SOURCES

The most frequently used sources of outside funding for the costs of services for handicapped students in community colleges are the Division of Vocational-Technical Education and the Division of Vocational Rehabilitation of the Maryland State Department of Education. It must be recognized that these funds are, for the most part, committed to existing services and programs and expanded activities will require new funding sources.

The Division of Vocational-Technical Education

Of the 15 percent Division of Vocational-Technical Education Federal funds earmarked for postsecondary education, 10 percent (i.e., 1.5 percent of the total) must be allocated for services for handicapped students. In FY 1980, these funds will flow primarily via formula to certain colleges which have special programs approved by the Division of Vocational-Technical Education. Usually a program or support service system begins with a "seed" grant from the Division and subsequently the college becomes eligible for formula funds based on handicapped student enrollment. Since little money is now available for new projects, there may be a slower growth in the use of the Division of Vocational-Technical Education formula funds to serve handicapped students.

This funding source has been instrumental in assisting many colleges to provide the new programs described earlier. However, the source of funding is inadequate to implement the provisions of Section 504 of the Federal regulations.

The Division of Vocational Rehabilitation

The ultimate goal of vocational rehabilitation is employment of the handicapped client. Vocational rehabilitation counselors, in cooperation with the handicapped citizens, develop an individual rehabilitation plan. The counselor may then "purchase" services with case service monies to assist the individual in reaching the goals of the plan. For the handicapped person attending a community college, case service funds may pay for tuition, books, special equipment, other auxiliary aids, and transportation.

During FY 1978, case service funds were greatly reduced and the Federal government gave priority to severely disabled individuals. Because of the financial squeeze, counselors are requesting community colleges for assistance in providing auxiliary aids previously funded by Vocational Rehabilitation. The Division of Vocational Rehabilitation requires the community colleges exhaust all possibilities for similar benefits from other funding sources before a counselor can commit case service funds. For a college enrolling citizens who require auxiliary aids, this provision results in a mountain of

paperwork. If a college cannot find another funding source to support a student's special needs, there is still no guarantee that the Division of Vocational Rehabilitation counselor will have sufficient funds to cover costs. Furthermore, many disabled students who attend community colleges are not supported by Vocational Rehabilitation and thus are not eligible for support from this agency.

Other Sources

Federal funds are available to community colleges from two other sources as the colleges provide services required under Federal mandate. The Comprehensive Employment and Training Act (CETA) assists unemployed and/or low income persons. Limited Title XX funds for personnel training are also available from the Department of Human Resources. Although these funds cannot be used to pay for auxiliary aids in educational settings, they may be used to train personnel to become aides for handicapped individuals.

IV.

ENROLLMENT TRENDS AND PREVALENCE OF DISABILITIES

Maryland community colleges enrolled one out of every 50 Maryland residents, or 2.1 percent of the population, in credit courses during FY 1978. Unknown, however, is whether this same ratio applies to the handicapped population. It is plausible to assume that handicapped people in Maryland might enroll in community colleges less than the general population because of disproportionate problems with transportation; medical problems; a lack of familiarity with the community college and its programs; and the fact that certain handicaps, such as mental retardation, affect the disabled person's ability to succeed in higher education.

In California, however, it is projected that the enrollment rate of handicapped students to the total California handicapped population in community colleges will soon exceed the ratio of the total enrollment of California community college students to the total population of California. There are several possible explanations for this projected trend. The need for postsecondary education is now greater among the disabled population which must compete with able-bodied people for jobs. Also, older disabled people, who have been denied access to postsecondary education and have not been able to attend, now have access to transportation which makes it less difficult for the disabled Californian to attend community college.

Whether handicapped people do enroll in Maryland community colleges at a greater rate, at the same rate, or at a lesser rate than the general population will be known only after the programs are fully available and the numbers are in. This Plan develops projections based on the best available information. The following assumptions were made in projecting enrollments of handicapped students in Maryland community colleges.

- The enrollment of handicapped students will increase as a result of the requirements imposed by Federal mandate.

As an example, the Office for Civil Rights recently initiated a campaign to inform disabled people of their rights under Federal law. As an illustration of the impact of this notification, Prince George's Community College, which had no deaf students during FY 1978, received notification from ten deaf people that they will apply for admission for the Fall 1979 semester. If all ten enroll as full-time students, the marginal cost to the college for interpreter service could be as high as $36,000.

- Colleges with a history of service to handicapped citizens will receive larger enrollment increases of such students than colleges which have limited or no previous experience in serving handicapped citizens.

- Urban and suburban campuses will enroll a slightly greater proportion of handicapped students than will rural colleges because cities have a larger proportion of handicapped persons than rural areas.

- Maryland community colleges will generally experience a handicapped student enrollment of between 1 percent and 3 percent of the total college enrollment, based upon a review of states similar to Maryland.

As a comparison, handicapped students comprised 3.6 percent of the total enrollment of California community colleges after three years of State assistance. College programs of support services for handicapped students in other states, however, report lower enrollments, normally about 1 percent of the total college enrollment.

Even if immediate program accessibility were available, handicapped enrollment of 3 percent or more of the total Maryland community college enrollment is not anticipated in the near future. California and Florida are believed to have the largest populations of disabled people who are attracted to these states by moderate climate and a more advanced level of services for the handicapped. Therefore, it is assumed that handicapped student enrollment would be lower in Maryland than in California and Florida.

PROJECTED ENROLLMENT

In a State Board for Community Colleges survey, community colleges indicated their current and projected enrollments of handicapped students. Since few community colleges have available student enrollment records by type of disability, enrollment projections for FY 1980 and beyond are estimates. It is estimated that handicapped student enrollment will apportionate 1.5 percent of the total community college system's enrollment, or approximately 1,365 students. Individual college estimates of enrollments vary greatly, from 0 to 2.4 percent of the total college enrollment.

Lower enrollments of handicapped students exist in community colleges in rural areas while the majority of the higher handicapped enrollments occur in urban areas. Distributions according to disability vary according to the college's previous experience in working with disabled students and the community college's expressed interest in becoming more involved with disabled students.

In general, community colleges projected a greater growth in enrollment of handicapped students than of the total community college enrollment. The Statewide aggregate of community college enrollment projections, as indicated in the survey responses, is shown in Table 1. From FY 1980 to FY 1981, the enrollment of handicapped students is expected to increase by 22 percent. Because of the small numbers of handicapped students and projected growth of the population, however, anticipated enrollment of handicapped students is not likely to exceed 1.9 percent of the total system enrollment (Table 2).

Table 1

PROJECTED ENROLLMENTS OF HANDICAPPED STUDENTS
IN MARYLAND COMMUNITY COLLEGES
FY 1980 AND FY 1981

	FY 1980 Projected Enrollment	FY 1981 Projected Enrollment	FY 1980 to FY 1981 % Increase
Total Headcount, Handicapped Students	1,365	1,665	22%
Total FTE, Handicapped Students	750	915	22%

FTE = full-time equivalent

Table 2

HANDICAPPED ENROLLMENT AND OVERALL STUDENT ENROLLMENT
A COMPARISON OF PROJECTED HANDICAPPED STUDENTS
IN MARYLAND COMMUNITY COLLEGES
FY 1980 AND FY 1981

	FY 1980 Projected Enrollment	FY 1981 Projected Enrollment
Total community college headcount	87,552	89,084
Total headcount of handicapped students	1,365	1,665
Percent handicapped enrollment	1.5%	1.9%

PREVALENCE OF DISABILITIES

Agencies require updated population data on disabled people to plan for compliance with Federal requirements. Demographic information on the handicapped population, however, is often conflicting. For example, since many people become disabled in adulthood, current data on the school-aged handicapped population, available from the Maryland State Department of Education, Division of Special Education, has limited applicability. The National Center for Health Statistics estimates the prevalence of certain disabilities as self-reported by a sample of the United States population taken in 1970, but these data cover physically handicapped persons only.

Table 3 shows the prevalence of selected impairments in a sample of the United States population (National Health Survey, 1971). These prevalence figures were applied to the 1977 projected population figures for the political subdivisions of the seventeen community colleges to arrive at the estimates in Table 4. Prevalence may be greater in the metropolitan areas, but in this table it is assumed that handicapped persons are distributed uniformly throughout the State.

Table 3

PREVALENCE OF SELECTED IMPAIRMENTS WHICH LIMIT MAJOR LIFE ACTIVITY[1]
(Per 1,000 Persons)

Disabling Condition	Total Prevalence (per 1,000 persons)	Limited in major activity[2] (per 1,000 persons)	Limited but not in major activity[2] (per 1,000 persons)
Visual impairment	4.0	2.3	1.7
Severe visual impairment	1.3	.9	.4
Other visual impairment	2.8	1.4	1.4
Hearing impairment	2.3	.9	1.4
Speech defects	.9	.9[3]	-
Paralysis, complete or partial	2.3	1.5	.8
Absence of major extremities	.9	.9[3]	-
Absence of fingers or toes only	.2	.2[3]	-
Impairments, except paralysis, of back or spine	8.4	6.1	2.3
Impairments, except paralysis or absence, of upper extremity and shoulder	1.9	1.0	.9
Impairments, except paralysis or absence, of lower extremity and shoulder	6.7	3.7	3.0
Impairments, except paralysis or absence, of limb, back, and trunk	2.3	1.5	.8

[1] U. S. Population, National Health Survey, 1971.

[2] Major activity refers to ability to work, keep house, or engage in school or preschool activities.

[3] Causing limitation--not differentiated according to major life activity for these disabilities.

Table 4

POPULATION OF INDIVIDUALS WITH SELECTED IMPAIRMENTS
IN POLITICAL SUBDIVISIONS OF MARYLAND COMMUNITY COLLEGES

College (Political Subdivision)	Population Projections for July 1, 1979[1]	Visual Impairment		Severe Visual Impairment		Other Visual Impairments	
		Limited in major life activity	Limited but not in major life activity	Limited in major life activity	Limited but not in major life activity	Limited in major life activity	Limited but not in major life activity
Allegany	81,200	188	139	74	33	115	115
Anne Arundel	376,600	827	611	324	144	503	503
Baltimore (City)	794,600	1,886	1,394	738	328	1,148	1,148
Catonsville, Dundalk, Essex (Baltimore County)	650,500	1,484	1,097	581	258	903	903
Cecil	57,800	131	97	51	23	80	80
Charles	69,500	149	110	58	26	91	91
Chesapeake (Caroline, Kent, Talbot, and Queen Anne's Counties)	88,900	199	147	78	35	121	121
Frederick	105,500	232	172	91	40	141	141
Garrett	26,100	58	53	23	10	35	35
Hagerstown (Washington County)	111,800	254	188	99	44	154	154
Harford	150,500	329	243	129	57	200	200
Howard	126,200	258	190	101	45	157	157
Montgomery	607,500	1,356	1,002	531	236	826	826
Prince George's	686,300	1,571	1,161	615	273	956	956
Wor-Wic Tech (Worcester and Wicomico Counties)	92,000	205	151	80	36	125	125
TOTALS	4,025,000	9,127	6,755	3,573	1,588	5,555	5,555

[1] Maryland Center for Health Statistics, Dept. of Health and Mental Hygiene, Baltimore, MD June 1977.

Table 4 contd.

POPULATION OF INDIVIDUALS WITH SELECTED IMPAIRMENTS
IN POLITICAL SUBDIVISIONS OF MARYLAND COMMUNITY COLLEGES

College (Political Subdivision)	Population Projections for July 1, 1979[1]	Hearing Impairments		Speech Impairments	Paralysis, Complete or Partial	
		Limited in major life activity	Limited but not in major life activity	Causing limitation	Limited in major life activity	Limited but not in major life activity
Allegany	81,200	74	115	74	123	66
Anne Arundel	376,600	324	503	324	539	288
Baltimore (City)	794,600	738	1,148	738	123	656
Catonsville, Dundalk, Essex (Baltimore County)	650,500	581	903	581	968	516
Cecil	57,800	51	80	51	85	46
Charles	69,500	58	91	58	97	52
Chesapeake (Caroline, Kent, Talbot, and Queen Anne's Counties)	88,900	78	121	78	130	69
Frederick	105,500	91	141	91	152	81
Garrett	26,100	23	35	23	38	20
Hagerstown (Washington County)	111,800	99	154	99	165	88
Harford	150,500	129	200	129	215	114
Howard	126,200	101	157	101	168	90
Montgomery	607,500	531	826	531	885	471
Prince George's	686,300	615	956	615	1,025	547
Wor-Wic Tech (Worcester and Wicomico Counties)	92,000	80	125	80	133	71
TOTALS	4,025,000	3,573	5,555	3,573	4,846	3,175

[1] Maryland Center for Health Statistics, Dept. of Health and Mental Hygiene, Baltimore, MD June 1977.

Table 4 contd.

POPULATION OF INDIVIDUALS WITH SELECTED IMPAIRMENTS
IN POLITICAL SUBDIVISIONS OF MARYLAND COMMUNITY COLLEGES

College (Political Subdivision)	Population Projections for July 1, 1979[1]	Absence of Major Extremities	Absence of Fingers and Toes	Impairments, except Paralysis of the Spine	
		Causing limitation	Causing limitation	Limited in major life activity	Limited but not in major life activity
Allegany	81,200	74	16	500	188
Anne Arundel	376,600	324	72	2,192	827
Baltimore (City)	794,600	738	164	5,001	1,886
Catonsville, Dundalk, Essex (Baltimore County)	650,500	581	129	3,935	1,484
Cecil	57,800	51	11	347	131
Charles	69,500	58	13	396	149
Chesapeake (Caroline, Kent, Talbot, and Queen Anne's Counties)	88,900	78	17	528	199
Frederick	105,500	91	20	616	232
Garrett	26,100	23	5	153	58
Hagerstown (Washington County)	111,800	99	22	673	254
Harford	150,500	129	29	872	329
Howard	126,200	101	22	638	258
Montgomery	607,500	531	118	3,597	1,356
Prince George's	686,300	615	137	4,168	1,571
Wor-Wic Tech (Worcester and Wicomico Counties)	92,000	80	18	544	205
TOTALS	4,025,000	3,573	793	24,160	9,127

[1] Maryland Center for Health Statistics, Dept. of Health and Mental Hygiene, Baltimore, MD June 1977.

Table 4 contd.

POPULATION OF INDIVIDUALS WITH SELECTED IMPAIRMENTS
IN POLITICAL SUBDIVISIONS OF MARYLAND COMMUNITY COLLEGES

College (Political Subdivision)	Population Projections for July 1, 1979[1]	Impairments, except Paralysis or Absence of Upper Extremity and Shoulder		Impairments, except Paralysis or Absence of Lower Extremity and Hip		Impairments, Other and Multiple not elsewhere Classified, of Limbs, Back, and Trunk	
		Limited in major life activity	Limited but not in major life activity	Limited in major life activity	Limited but not in major life activity	Limited in major life activity	Limited but not in major life activity
Allegany	81,200	82	74	303	246	123	66
Anne Arundel	376,600	360	324	1,330	1,079	539	288
Baltimore (City)	794,600	820	738	3,034	2,460	123	656
Catonsville, Dundalk, Essex (Baltimore County)	650,500	645	581	2,387	1,935	968	516
Cecil	57,800	57	51	211	171	85	46
Charles	69,500	65	58	240	195	97	52
Chesapeake (Caroline, Kent, Talbot, and Queen Anne's Counties)	88,900	87	78	320	260	130	69
Frederick	105,500	101	91	374	303	152	81
Garrett	26,100	25	23	93	75	38	20
Hagerstown (Washington County)	111,800	110	99	408	331	165	88
Harford	150,500	143	129	529	429	215	114
Howard	126,200	112	101	414	336	168	90
Montgomery	607,500	590	531	2,182	1,769	885	471
Prince George's	686,300	683	615	2,528	2,050	1,025	547
Wor-Wic Tech (Worcester and Wicomico Counties)	92,000	89	80	330	267	134	71
TOTALS	4,025,000	3,969	3,573	14,683	11,906	4,847	3,175

[1] Maryland Center for Health Statistics, Dept. of Health and Mental Hygiene, Baltimore, MD June 1977.

V.

RECOMMENDATIONS

The State Board for Community Colleges recommends a series of strategies to achieve the goal of program accessibility for qualified handicapped students. Several of the strategies suggest the use of existing college resources, while other recommendations, such as resource centers, auxiliary aids, and facilities modifications, require supplemental funding.

MAKING USE OF EXISTING RESOURCES

- Each community college should identify a professional staff member to serve as the facilitator of services and advocates for handicapped students. As staff turnovers occur, colleges also should consider screening applicants for interest in and evidence of experience and training in working with handicapped adults.

- During the first year of implementation of the Federal requirements, the facilitators should identify on-campus and off-campus human resources to assist the college in improving delivery of services to handicapped students. These people might include:

    a) college faculty and staff who have experience in working with handicapped adults;

    b) personnel of support service programs in other community colleges;

    c) disabled citizens who are knowledgeable about higher education and who can advise colleges on efficient ways to accommodate students with special needs;

    d) a list of trained and/or experienced aides in the community, such as interpreters, note-takers, readers, laboratory assistants, and mobility assistants;

    e) volunteers who are interested in serving as auxiliary aides.

- College facilitators should recruit volunteers to perform certain aide functions. Colleges, however, may not be able to depend on volunteers for services continuing throughout the semester, such as classroom note-taking.

- Colleges should consider using work-study funds and applying for regional Comprehensive Employment and Training Act funds to hire special aides. Colleges should contact local service clubs for donations of small amounts of money to provide equipment for handicapped students.

- Community colleges should include, when possible, knowledgeable disabled citizens on various committees. A handicapped person on an advisory committee for an occupational program, for example, could assist the faculty with methods of accommodating handicapped students.

- If mentally retarded persons are to be served, they should be sent through continuing education noncredit courses tailored to the special needs of these students.

IN-SERVICE TRAINING OF COMMUNITY COLLEGE FACULTY AND STAFF

- The State Board for Community Colleges will earmark $15,000 of FY 1979 Division of Vocational-Technical Education grant funds to community colleges for staff development projects submitted on a college-by-college basis which will assist handicapped students. These projects will emphasize the sharing of information that is developed with other community colleges.

- Community college libraries should require and make available print and audio-visual material which will assist faculty, staff, and students to understand the problems found by disabled adults.

- A Statewide association of community college personnel who are committed to serve handicapped students should be convened to stimulate the sharing of pertinent information on an ongoing basis.

- Proposed resource centers should conduct periodic regional workshops for adjacent community colleges, emphasizing developments in higher education and problem solving for handicapped students.

TRAINING AIDES

- An interpreter training program should be located at Howard Community College as stated in the State Board for Community Colleges Master Plan.

- As local needs dictate, noncredit continuing education courses should be offered to train auxiliary assistants to assist handicapped citizens.

ARTICULATION

- Colleges should make use of government and community resources to avoid duplication of services and to obtain information about implementing Section 504. In particular, colleges should focus on the following agencies and organizations:

    a) special education units within local education agencies;

    b) vocational-technical education--colleges should inform local advisory committees for vocational education about occupational training needs of disabled students;

c) vocational rehabilitation--colleges should develop guidelines with the Division of Vocational Rehabilitation for the provision of auxiliary aides for handicapped students;

d) organizations and agencies serving and/or representing handicapped people.

RESOURCE CENTERS

- Eight disability resource centers should be established at seven community colleges and funded at a minimum level of $180,000 in FY 1980 and $207,000 in FY 1981.

  Six of these resource centers would be the locus of expertise for particular disability areas while two would serve non-urban regions in all disability areas. Each center would develop a body of literature; materials; equipment; in-service strategies; and liaison with agencies, organizations, and employers. New funds would support a full-time professional specialist to staff each center. Colleges would agree to provide office space, utilities, and clerical assistance for the position. Each resource center for hearing disabilities would include a part-time instructor fluent in sign language and experienced in the teaching of basic skills to deaf adults.

  Handicapped students would have the option of attending a college resource center that is attuned to their unique educational needs but would not be forced to attend that college. Community colleges would still have the responsibility of serving any student with any disability.

- Resource centers at Allegany Community College and Chesapeake College should provide services for disabled students in general in Western Maryland and the Eastern Shore respectively.

- One resource center is recommended for disabilities which result in coordination difficulties to be located at the Community College of Baltimore. The Community College of Baltimore has had previous involvement with students with epilepsy and has the advantage of access via public transportation.

- The center for services for visually handicapped students at Catonsville Community College should be continued with no additional centers.

- Two resource centers are recommended for students with hearing disabilities at Catonsville Community College and Prince George's Community College. These locations are based on the findings of a Statewide feasibility study.

- Two centers to serve students with learning disabilities, one in each metropolitan area, are recommended for Montgomery Community College and Dundalk Community College. Montgomery has begun developing services for learning disabled students at the request of that community,

while Dundalk's previous commitment to serving handicapped students and its well-developed media resources make it an excellent location for such a center.

Table 5 shows the suggested locations and projected costs for these resource centers.

Table 5

PROJECTED ANNUAL COSTS
OF PROPOSED DISABILITY RESOURCE CENTERS
IN MARYLAND COMMUNITY COLLEGES
FY 1980 AND FY 1981

Disability	Location of Resource Center	FY 1980	FY 1981
Hearing disabilities	Catonsville	$20,000	$21,000
	Prince George's	20,000	21,000
Sight disabilities	Catonsville	20,000	21,000
Coordination disabilities	Baltimore	20,000	21,000
Learning disabilities	Montgomery	20,000	21,000
	Dundalk	20,000	21,000
All disabilities	Allegany	20,000	21,000
	Chesapeake	20,000	21,000

AUXILIARY AIDS

New services which must be available to provide accessibility for handicapped students include:

- Providing equipment to guarantee access to programs:

  a) purchase of modified equipment for special needs in occupational programs as needed--in some cases students will choose to purchase equipment themselves to retain for use in their occupation;

  b) purchase or leasing of telecommunications equipment, as needed, to give handicapped people access to colleges by telephone;

c) purchase of additional tapes and videotapes for storage of learning materials used by handicapped students;

d) purchase of equipment to modify college vans to make them accessible to wheelchairs;

e) purchase of lending of other equipment that relates to making a program of instruction accessible to handicapped students;

f) maintenance of equipment.

- Providing personnel to make programs accessible:

a) readers for blind students;

b) mobility assistants and leaders;

c) interpreters for deaf students;

d) note-takers for deaf or hearing-impaired students, manually impaired students, and in some cases blind students;

e) tutors with students with learning problems;

f) writing assistants for registration and examination;

g) classroom and laboratory assistants to perform manual tasks as directed by a disabled student;

h) other student personnel services which relate to integrating handicapped students into existing programs.

- Providing special materials to make programs accessible:

a) orientation materials (e.g., special maps of the campus for disabled students);

b) brailled, large-print materials, and raised-line materials;

c) videotaped versions of audiotapes for deaf students;

d) taped written material for blind and learning-disabled students.

This list of services is not exhaustive since it is not possible to predict every educational support service need of every disabled student.

Table 6 indicates the anticipated average cost per student in Maryland for the provision of auxiliary aids to handicapped students.

Table 6

PROJECTED PER-STUDENT COST OF PROPOSED AUXILIARY AIDS
FOR HANDICAPPED STUDENTS IN MARYLAND[1]
(Derived from data from California community colleges)

Special educational material	$ 36.38
Special educational assistance (omitting full-time professional specialists)	192.56
Mobility assistance	14.61
Total Per-Student Cost of Auxiliary Aids	$243.55

[1] Headcount

MARGINAL COSTS AT EACH COLLEGE

The following factors were considered in estimating marginal costs at each college:

a) location of college;

b) disabled population currently served;

c) projected new programs and services;

d) proximity to large special schools or other special education programs;

e) colleges' projections of costs;

f) total enrollment of the colleges.

Table 7 illustrates the estimated marginal costs for Maryland community colleges.

Table 7

PROJECTED MARGINAL COSTS
OF AUXILIARY AIDS FOR HANDICAPPED STUDENTS
IN MARYLAND COMMUNITY COLLEGES
FY 1980 AND FY 1981

College	FY 1980	FY 1981
Allegany[2]	$ 3,000	$ 4,500
Anne Arundel[1]	12,000	15,000
Baltimore[2]	10,000	15,000
Catonsville[1,2]	87,000	100,000
Cecil	2,500	3,500
Charles	3,000	4,500
Chesapeake[2]	3,000	5,500
Dundalk[2]	38,000	45,000
Essex	10,000	12,000
Frederick[1]	20,000	24,000
Garrett	2,500	2,500
Howard[1]	12,000	15,000
Hagerstown	3,000	4,500
Harford	3,000	4,500
Montgomery[2]	70,000	90,500
Prince George's[1,2]	51,000	60,000

[1] These colleges expect to have relatively high enrollments of deaf students, whose marginal costs are probably the highest among disabled students because of the need for an interpreter.

[2] These colleges will become regional centers for serving handicapped students.

(Numbers have been rounded.)

PROJECTED OPERATING COSTS FOR PROPOSED NEW SERVICES

Table 8 shows the projected financial impact of the proposed new programs and services. The cost per disabled student is expected to decline somewhat in subsequent years since equipment and certain materials need not be purchased every year for every student.

Table 8

ESTIMATED OPERATING COSTS FOR PROPOSED NEW SERVICES AND PROGRAMS
FOR HANDICAPPED STUDENTS IN MARYLAND COMMUNITY COLLEGES
FY 1980 AND FY 1981

	FY 1980	FY 1981
Projected cost of auxiliary aids @ $244 per disabled student (headcount)	$330,000	$406,000
Projected cost of regional centers	160,000	168,000
Total cost of new programs and services	$490,000	$574,000
Projected handicapped FTE enrollment	750	915
Total marginal cost per handicapped student (headcount), including regional centers and auxiliary aids	$359	$345
Total marginal cost per handicapped FTE student	$653	$627

FTE = full-time equivalent

(Numbers have been rounded.)

FINANCING PROPOSED SERVICES

Provision for services to the handicapped population tends generally to be costly. This is because these services often require smaller classes, more personal attention, additional supportive activities, and the purchase or modification of equipment. Methods must be established to fund the additional costs.

- Legislation should be enacted to increase State aid to community colleges to enable them to adequately serve handicapped students.

If State funds are increased, colleges will still have to absorb many costs of serving disabled students, but the level of funding suggested in this Plan will assist colleges in providing basic accommodations. An ongoing and dependable source of support is essential for quality educational programs and services for handicapped students.

The projected operating costs outlined above are estimates based upon the best available data. Since community colleges are not funded on a programmatic basis, the colleges must find dollars within the formula to serve handicapped

students. In order to offset the costs of the proposed disability resource centers, the State Board for Community Colleges is requesting $160,000 in FY 1980 and $168,000 for FY 1981 as proposed in Table 5, page 24. These funds would be in addition to formula funds and would be administered on a grant basis.

It is essential that community colleges maintain accurate cost information relating to enrollment of handicapped students so that a legitimate defense of budgetary requirements can be made. If accurate costs were available, it would be possible to project such costs within the community college funding formula on a weighted reimbursement scale which would assist the colleges in enrollment of auxiliary aids to assist handicapped students.

The following weighted scale of funding, Table 9, is an illustration which avoids the inequities that would result from funding via a flat dollar amount per disabled student.

Table 9

WEIGHTED REIMBURSEMENT SCALE
FOR STATE FUNDING OF AUXILIARY AIDS
IN MARYLAND COMMUNITY COLLEGES
(Illustration)

Weight	For students with . . .	Recommended Amount Per Handicapped FTE
1	Nonambulatory Semi-ambulatory Disabilities with no additional impairments	$250
2	Manual disabilities Learning disabilities Coordination disabilities	$500
3	Severe sight disabilities Severe hearing disabilities	$750

FTE = full-time equivalent

The following projections of students by disabling condition, Table 10, are intended to be a gross estimate of how the proposed funding for auxiliary aids might be apportioned.

Table 10

ESTIMATES OF STUDENTS BY DISABLING CONDITION
IN MARYLAND COMMUNITY COLLEGES
(Illustration)

Disability	Recommended Per Handicapped FTE	FY 1980 FTE	FY 1980 State Cost	FY 1981 FTE	FY 1981 State Cost
Nonambulatory or semi-ambulatory	$250	100	$ 25,000	122	$ 30,500
Manual or coordination	500	100	50,000	122	61,000
Severe hearing	750	100	75,000	124	93,000
Severe sight	750	100	75,000	124	93,000
Learning	500	200	100,000	244	122,000
Other (speech and mental or psychological disorders)	-	150	-	179	-
Totals		750	$325,000	915	$399,500

FTE = full-time equivalent

FACILITIES MODIFICATIONS FOR ARCHITECTURAL ACCESSIBILITY

According to a survey of community colleges, the systemwide total projected cost of facilities modifications for program accessibility is $1,257,354. Colleges anticipate a sharp decrease in expenditures after FY 1980 because Federal law requires that programs be architecturally accessible before June 2, 1980. Projected capital expenditures by college are shown in Table 11.

Table 11

PROJECTED CAPITAL EXPENSES
OF MARYLAND COMMUNITY COLLEGES
FOR COMPLIANCE WITH SECTION 504

College	Projected Cost of Modifications FY 1979	Projected Cost of Modifications FY 1980	Total Cost	Estimated State Share (1/2 Total)
Allegany	$ 23,950	$ 1,450	$ 25,400	$ 12,700
Anne Arundel	120,000	-	120,000	60,000
Baltimore	51,000	15,000	66,000	33,000
Catonsville	93,454	27,000	120,454	60,227
Cecil	-	-	-	-
Charles	55,645	130,000	185,645	92,823
Chesapeake	40,000	40,000	80,000	40,000
Dundalk	-	40,000	40,000	20,000
Essex	40,000	-	40,000	20,000
Frederick	83,000	-	83,000	41,500
Garrett	19,255	1,400	20,655	10,327
Hagerstown	-	42,500	42,500	21,250
Harford	30,000	22,000	52,000	26,000
Howard	15,950	15,750	31,700	15,850
Montgomery	22,000	268,000	290,000	145,000
Prince George's	60,000	-	60,000	30,000
Wor-Wic Tech	-	-	-	-
Totals	$654,254	$603,100	$1,257,354	$628,677

To comply with the program accessibility requirement of Section 504, nine community colleges requested capital improvement funds for facilities as shown in Table 12.

Table 12

CAPITAL BUDGET REQUESTS FOR FACILITIES MODIFICATIONS
FOR HANDICAPPED STUDENTS IN MARYLAND COMMUNITY COLLEGES
FY 1979

College	State Share (50% of Total)
Anne Arundel	$ 60,000
Baltimore	35,000
Catonsville	46,727
Charles	44,130
Essex	20,000
Frederick	45,666
Hagerstown	26,485
Prince George's	30,000
Montgomery	145,000
Total	$453,008

Community college capital budget requests for architectural accessibility modifications have been placed on the capital construction priority list. All of these requests were approved by the State Board for Community Colleges at its July 1978 meeting.

- Where shared vocational facilities are in use, community colleges should request local boards of education to give priority to accessibility modifications in jointly used vocational-technical centers.

Appendix A

FINAL REGULATIONS FOR IMPLEMENTING SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

Subpart E--Postsecondary Education

Nondiscrimination on Basis of Handicap

Federal Register

May 4, 1977

SUPPLEMENT I: Final Regulations for Implementing Section 504 of the Rehabilitation Act of 1973, as Amended

(Published in the Federal Register of May 4, 1977)

federal register

WEDNESDAY, MAY 4, 1977
PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

NONDISCRIMINATION ON BASIS OF HANDICAP

Programs and Activities Receiving or Benefiting from Federal Financial Assistance

RULES AND REGULATIONS

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 84—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This regulation implements section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706, with regard to federal financial assistance administered by the Department of Health, Education, and Welfare. Section 504 provides that "no otherwise qualified handicapped individual * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The regulation, which applies to all recipients of federal assistance from HEW, is intended to ensure that their federally assisted programs and activities are operated without discrimination on the basis of handicap. The regulation defines and forbids acts of discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving assistance from the Department. As employers, recipients must make reasonable accommodation to the handicaps of applicants and employees unless the accommodation would cause the employer undue hardship. As providers of services, recipients are required to make programs operated in existing facilities accessible to handicapped persons, to ensure that new facilities are constructed so as to be readily accessible to handicapped persons, and to operate their programs in a nondiscriminatory manner.

EFFECTIVE DATE: June 3, 1977.

FOR FURTHER INFORMATION, CONTACT:

John Wodatch, Director, Office of New Programs, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202–245–1821.

SUPPLEMENTARY INFORMATION:

Background

As part of the Rehabilitation Act of 1973 (Public Law 93–112) Congress enacted section 504, which provides that "no otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financal assistance." In the same statute, Congress defined the term "handicapped individual" solely with relationship to employment; section 7(6) of the 1973 Act defined the term "handicapped individual" as "any individual who (a) has a physical or mental disability which for such individual constitutes or results in substantial handicap to employment and (b) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services * * *." However, the following year, in section 111(a) of the Rehabilitation Act Amendments of 1974 (Public Law 93–516), Congress amended the definition of "handicapped individual" for purposes of section 504 and the other provisions of titles IV and V of the Rehabilitation Act so that the definition is no longer limited to the dimension of employability. For purposes of section 504 of the Act, a "handicapped individual" is defined as "any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment." With this amended definition, it became clear that section 504 was intended to forbid discrimination against all handicapped individuals, regardless of their need for or ability to benefit from vocational rehabilitation services.

Section 504 thus represents the first Federal civil rights law protecting the rights of handicapped persons and reflects a national commitment to end discrimination on the basis of handicap. The language of section 504 is almost identical to the comparable nondiscrimination provisions of title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972 (applying to racial discrimination and to discrimination in education on the basis of sex). It establishes a mandate to end discrimination and to bring handicapped persons into the mainstream of American life. The Secretary intends vigorously to implement and enforce that mandate.

The Problem of Discrimination

From the outset, the Department has recognized that the problem of ending discrimination on the basis of handicap presents considerations that are extremely complex. The diversity of types of handicaps, as well as the wide variety of settings in which programs financed by the Department are offered, make the task of prescribing general rules of nondiscriminatory treatment a difficult one.

There is overwhelming evidence that in the past many handicapped persons have been excluded from programs entirely or denied equal treatment, simply because they are handicapped. But eliminating such gross exclusions and denials of equal treatment is not sufficient to assure genuine equal opportunity. In drafting a regulation to prohibit exclusion and discrimination, it became clear that different or special treatment of handicapped persons, because of their handicaps, may be necessary in a number of contexts in order to ensure equal opportunity. Thus, for example, it is meaningless to "admit" a handicapped person in a wheelchair to a program if the program is offered only on the third floor of a walk-up building. Nor is one providing equal educational opportunity to a deaf child by admitting him or her to a classroom but providing no means for the child to understand the teacher or receive instruction.

These problems have been compounded by the fact that ending discriminatory practices and providing equal access to programs may involve major burdens on some recipients. Those burdens and costs, to be sure, provide no basis for exemption from section 504 or this regulation: Congress' mandate to end discrimination is clear. But it is also clear that factors of burden and cost had to be taken into account in the regulation in prescribing the actions necessary to end discrimination and to bring handicapped persons into full participation in federally financed programs and activities.

The very general language of section 504 itself and the scant legislative history surrounding its enactment provide little guidance as to how these complex issues should be resolved. The rulemaking process in which the Department has engaged has, however, provided a basis for an initial resolution of those issues. The Secretary believes the resulting regulation offers genuine promise of providing an effective and workable program for ending discrimination against handicapped persons.

Rulemaking History

On May 17, 1976, the Department published a Notice of Intent to Issue Proposed Rules, seeking public comment on fifteen identified critical issues. 41 FR 20296. A draft proposed rule was attached to the Notice of Intent, as was a statement of the estimated economic and inflationary impact of the draft proposal, prepared in accordance with the requirements of Executive Order 11821.

Over three hundred written comments were received in response to the Notice of Intent. The written comments were supplemented by a series of ten meetings conducted by the Office for Civil Rights at various locations across the country.

On July 16, 1976, the Department published a Notice of Proposed Rulemaking analyzing comments received on the critical issues identified in the Notice of Intent and setting forth a revised proposed regulation for public comment. 41 FR 29548. The initial 60-day comment period was extended in response to numerous requests until October 14, 1976. Additional comments received since that date have also been considered to the extent feasible. A total of more than 700 comments were received in response to the July 16 Notice of Proposed Rulemaking; they have been analyzed along with approximately 150 comments sent in response to May 17 Notice that were received too late to be analyzed during the first comment period. Finally, an additional twenty-two public meetings were held after publication of the July 16 Notice, again designed to inform interested persons and organizations of the proposed regulation and to solicit their comments and recommendations. Transcripts of all these meetings were made and analyzed along with the writ-

ten comments. Copies of these transcripts, as well as the written comments, are available for public inspection in Room 5400, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The Secretary believes that both the written comments and the views expressed at the public meetings have illuminated the complex issues involved in implementing section 504 in an effective and workable fashion. The Secretary's response to the comments of interested parties, and the explanation for changes in the proposed regulation, are set forth in the section-by-section analysis of each subpart of the regulation, which appears as Appendix A to the regulation. As that analysis explains, a number of provisions in the proposed regulation have been eliminated as duplicative or unnecessary; others have been shortened or clarified. The goal throughout has been to design a regulation that preserves the essential elements of a strong and effective program for ending discrimination, while avoiding the imposition of unnecessary or counterproductive administrative obligations on recipients.

Overview of Regulation

The regulation is divided into seven subparts. Subpart A (General Provisions) defines the important terms that are used throughout the regulation and states in general terms the discriminatory acts that are prohibited. It also sets forth what the Secretary believes is a simple, workable system of administration: assurances of compliance, self-evaluation by recipients, establishment of grievance procedures, and notification of employes and beneficiaries of the recipient's policy of nondiscrimination on the basis of handicap. The regulation covers all types of physical and mental impairments, including drug addition and alcoholism.

Subpart B, dealing with employment practices, bars discrimination by recipients of HEW assistance in recruitment, hiring, compensation, job assignment and classification, and fringe benefits. It also requires employers to make reasonable accommodation to qualified handicapped applicants or employees unless it can be demonstrated that the accommodation would impose an undue hardship on the employer.

Subpart C sets forth the central requirement of the regulation—program accessibility. All new facilities are required to be constructed so as to be readily accessible to and usable by handicapped persons. Every existing facility need not be made physically accessible, but all recipients must ensure that programs conducted in those facilities are made accessible. While flexibility is allowed in choosing methods that in fact make programs in existing facilities accessible, structural changes in such facilities must be undertaken if no other means of assuring program accessibility is available.

Subparts A, B, and C of the regulation, as well as subpart G—which incorporates by reference the Department's procedures under title VI of the Civil Rights Act of 1964—apply to all recipients of financial assistance from the Department. The remaining subparts of the regulation contain more specific requirements applicable to three major classes of recipients.

Subpart D is concerned with preschool, elementary, and secondary education. Its provisions have been closely coordinated with those of the Education for All Handicapped Children Act of 1975 (Pub. L. 94-142). They require, basically, that recipients operating public education programs provide a free appropriate education to each qualified handicapped child in the most normal setting appropriate. The regulation also sets forth evaluation requirements designed to ensure the proper classification and placement of handicapped children, and due process procedures for resolving disputes over placement of students. While the Department does not intend to review individual placement decisions, it does intend to ensure that testing and evaluation procedures required by the regulation are carried out, and that school systems provide an adequate opportunity for parents to challenge and seek review of these critical decisions. And the Department will place a high priority on pursuing cases in which a pattern or practice of discriminatory placements may be involved.

Subpart E deals with postsecondary education. It proscribes discrimination against handicapped persons in recruitment, admission and treatment after admission. Colleges and universities are required to make reasonable adjustments to permit handicapped persons to fulfill academic requirements, and to ensure that they are not effectively excluded from programs because of the absence of auxiliary aids. Groups of colleges may not establish consortia exclusively for handicapped students.

Finally, Subpart F deals with health, welfare and other social service programs. It forbids discrimination in providing such services and requires larger recipients to provide auxiliary aids to handicapped individuals where necessary. Specific provisions require hospitals not to discriminate against addicts or alcoholics who need medical services and to establish emergency room procedures for communication with persons with impaired hearing. Under Subpart C, health and social service providers may satisfy their program accessibility obligations with respect to existing facilities by arranging to meet beneficiaries in accessible locations. In addition, small providers may refer patients or other beneficiaries to accessible providers as a "last resort" alternative to making significant structural changes.

Executive Order 11914

Under Executive Order 11914 (41 FR 17871, April 28, 1976), the Department is required to issue general standards for other departments and agencies of the Federal government to follow in promulgating regulations implementing Section 504. This responsibility will be fulfilled promptly and independently from this regulation. The Department does, however, expect to incorporate the definition of handicapped person adopted in § 84.3 (j) of this regulation in the standards for determining what persons are covered by the Act. The Secretary also anticipates that the relevant provisions of Subparts A, B and C of the regulation will be the basis for guidelines, pursuant to the Executive Order, as to what are discriminatory practices.

Economic Impact

The Department has previously certified, in issuing the Notice of Intent and the Notice of Proposed Rulemaking, that the economic and inflationary impact of the proposed regulation had been carefully evaluated in accordance with OMB Circular A-107. That analysis, which was printed at 41 FR 20312 (May 17, 1976), has been revised and updated, and is available on request.

Section-by-Section Analysis of Regulation

Appended to the final regulation is a section-by-section analysis of the regulation, which describes the basis and purpose of each section, discusses significant comments, and explains the basis for any changes made from the proposed regulation published in July 1976.

In consideration of the foregoing, Part 84, to read as set forth below, is hereby ordered to be added to Title 45 of the Code of Federal Regulations.

Dated: April 28, 1977.

Joseph A. Califano, Jr.,
Secretary, Department of Health, Education, and Welfare.

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APPENDIX A—ANALYSIS OF FINAL REGULATION

AUTHORITY: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706); sec. 606, Education of the Handicapped Act (20 U.S.C. 1406), as amended by Pub. L. 94–142, 89 Stat 795; sec. 321, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, 84 Stat. 182 (42 U.S.C. 4581), as amended; sec. 407, Drug Abuse Office and Treatment Act of 1972, 86 Stat. 78 (21 U.S.C. 1174), as amended.

Subpart A—General Provisions

§ 84.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§ 84.2 Application.

This part applies to each recipient of Federal financial assistance from the Department of Health, Education, and Welfare and to each program or activity that receives or benefits from such assistance.

§ 84.3 Definitions.

As used in this part, the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93–112, as amended by the Rehabilitation Act Amendments of 1974, Public Law 93–516, 29 U.S.C. 794.

(b) "Section 504" means section 504 of the Act.

(c) "Education of the Handicapped Act" means that statute as amended by the Education for all Handicapped Children Act of 1975, Pub. L. 94–142, 20 U.S.C. 1401 et seq.

(d) "Department" means the Department of Health, Education, and Welfare.

(e) "Director" means the Director of the Office for Civil Rights of the Department.

(f) "Recipient" means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(i) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(j) "Handicapped person." (1) "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the phrase:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life acitivities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

(k) "Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(2) With respect to public preschool elementary, secondary, or adult educational services, a handicapped person (i) of an age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to handicapped persons, or (iii) to whom a state is required to provide a free appropriate public education under § 612 of the Education of the Handicapped Act; and

(3) With respect to postsecondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity;

(4) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(l) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j) of this section.

§ 84.4 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person

by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipients program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(c) *Programs limited by Federal law.* The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

§ 84.5 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity to which this part applies shall submit an assurance, on a form specified by the Director, that the program will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (b)(2) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the covenant shall also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Director may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 84.6 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Director finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Director, where appropriate, may require either or both recipients to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evalution.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this part; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years followed completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Director upon request: (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

§ 84.7 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§84.8 Notice.

(a) A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 84.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 84.9 Administrative requirements for small recipients.

The Director may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§ 84.7 and 84.8, in whole or in part, when the Director finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§ 84.10 Effect of state or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

Subpart B—Employment Practices

§ 84.11 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this part applies.

(2) A recipient that receives assistance under the Education of the Handicapped Act shall take positive steps to employ and advance in employment qualified handicapped persons in programs assisted under that Act.

(3) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Specific activities.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absense, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 84.12 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include: (1) making facilities used by employees readily accessible to and usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operation, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 84.13 Employment criteria.

(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless: (1) the test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question, and (2) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available.

(b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accu-

rately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

§ 84.14 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 84.6 (a), when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 84.6(b), or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, *Provided*, That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, *Provided*, That: (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this part.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(1) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request.

§§ 84.15—84.20 [Reserved]

Subpart C—Program Accessibility

§ 84.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 84.22 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 84.23, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small health, welfare, or other social service providers.* If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services that are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 84.23 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1–1961 (R1971)),[1] which is incorporated by reference in this part, shall constitute compliance with paragraphs (a) and (b) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

[1] Copies obtainable from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

§§ 84.24–84.30 [Reserved]

Subpart D—Preschool, Elementary, and Secondary Education

§ 84.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of, such programs or activities.

§ 84.32 Location and notification.

A recipient that operates a public elementary or secondary education program shall annually:

(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and

(b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

§ 84.33 Free appropriate public education.

(a) *General.* A recipient that operates a public elementary or secondary education program shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) *Appropriate education.* (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 84.34, 84.35, and 84.36.

(2) Implementation of an individualized education program developed in accordance with the Education of the the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.

(3) A recipient may place a handicapped person in or refer such person to a program other than the one that it operates as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

(c) *Free education*—(1) *General.* For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for those fees that are imposed on nonhandicapped persons or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a handicapped person in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the program. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a handicapped person.

(2) *Transportation.* If a recipient places a handicapped person in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, the recipient shall ensure that adequate transportation to and from the program is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the program operated by the recipient.

(3) *Residential placement.* If placement in a public or private residential program is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the program, including nonmedical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

(4) *Placement of handicapped persons by parents.* If a recipient has made available, in conformance with the requirements of this section and § 84.34, a free appropriate public education to a handicapped person and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made such a program available or otherwise regarding the question of financial responsibility are subject to the due process procedures of § 84.36.

(d) *Compliance.* A recipient may not exclude any qualified handicapped person from a public elementary or secondary education after the effective date of this part. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than September 1, 1978.

§ 84.34 Educational setting.

(a) *Academic setting.* A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) *Nonacademic settings.* In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 84.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) *Comparable facilities.* If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

§ 84.35 Evaluation and placement.

(a) *Preplacement evaluation.* A recipient that operates a public elementary or secondary education program shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in a regular or special education program and any subsequent significant change in placement.

(b) *Evaluation procedures.* A recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which ensure that:

(1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

(3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(c) *Placement procedures.* In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such

sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is made in conformity with § 84.34.

(d) *Reevaluation.* A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act is one means of meeting this requirement.

§ 84.36 Procedural safeguards.

A recipient that operates a public elementary or secondary education program shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

§ 84.37 Nonacademic services.

(a) *General.* (1) A recipient to which this subpart applies shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipient, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment.

(b) *Counseling services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of § 84.34 and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

§ 84.38 Preschool and adult education programs.

A recipient to which this subpart applies that operates a preschool education or day care program or activity or an adult education program or activity may not, on the basis of handicap, exclude qualified handicapped persons from the program or activity and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity.

§ 84.39 Private education programs.

(a) A recipient that operates a private elementary or secondary education program may not, on the basis of handicap, exclude a qualified handicapped person from such program if the person can, with minor adjustments, be provided an appropriate education, as defined in § 84.33(b)(1), within the recipient's program.

(b) A recipient to which this section applies may not charge more for the provision of an appropriate education to handicapped persons than to nonhandicapped persons except to the extent that any additional charge is justified by a substantial increase in cost to the recipient.

(c) A recipient to which this section applies that operates special education programs shall operate such programs in accordance with the provisions of §§ 84.35 and 84.36. Each recipient to which this section applies is subject to the provisions of §§ 84.34, 84.37, and 84.38.

§ 84.40 [Reserved]

Subpart E—Postsecondary Education

§ 84.41 Application of this subpart.

Subpart E applies to postsecondary education programs and activities, including postsecondary vocational education programs and activities, that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of, such programs or activities.

§ 84.42 Admissions and recruitment.

(a) *General.* Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies.

(b) *Admissions.* In administering its admission policies, a recipient to which this subpart applies:

(1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted;

(2) May not make use of any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate, adverse effect are not shown by the Director to be available;

(3) Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons; and

(4) Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handicapped person but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.

(c) *Preadmission inquiry exception.* When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 84.6(a) or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 84.6(b), the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped, *Provided,* That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part.

(d) *Validity studies.* For the purpose of paragraph (b)(2) of this section, a recipient may base prediction equations on first year grades, but shall conduct peri-

odic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores.

§ 84.43 Treatment of students; general.

(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program or activity to which this subpart applies.

(b) A recipient to which this subpart applies that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, an education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified handicapped persons.

(c) A recipient to which this subpart applies may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity.

(d) A recipient to which this subpart applies shall operate its programs and activities in the most integrated setting appropriate.

§ 84.44 Academic adjustments.

(a) *Academic requirements.* A recipient to which this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

(b) *Other rules.* A recipient to which this subpart applies may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

(c) *Course examinations.* In its course examinations or other procedures for evaluating students' academic achievement in its program, a recipient to which this subpart applies shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

(d) *Auxiliary aids.* (1) A recipient to which this subpart applies shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

(2) Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

§ 84.45 Housing.

(a) *Housing provided by the recipient.* A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in Subpart C, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.

(b) *Other housing.* A recipient that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

§ 84.46 Financial and employment assistance to students.

(a) *Provision of financial assistance.* (1) In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not (i), on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or (ii) assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified handicapped persons on the basis of handicap.

(2) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

(b) *Assistance in making available outside employment.* A recipient that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate Subpart B if they were provided by the recipient.

(c) *Employment of students by recipients.* A recipient that employs any of its students may not do so in a manner that violates Subpart B.

§ 84.47 Nonacademic services.

(a) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of §84.43(d) and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

(b) *Counseling and placement services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) *Social organizations.* A recipient that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by this subpart.

§§ 84.48—84.50 [Reserved]

Subpart F—Health, Welfare, and Social Services

§ 84.51 Application of this subpart.

Subpart F applies to health, welfare, and other social service programs and activities that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of, such programs or activities.

Appendix B

MARYLAND COMMUNITY COLLEGES

COURSES FOR THE HANDICAPPED

Allegany Community College

Manual Communications

Anne Arundel Community College

Swimming

Community College of Baltimore

Legal Rights Update

Catonsville Community College

Movement Therapy and Dance
Sex Education for the Mentally Ill
Teaching Basic Self-Help Skills for the Handicapped Children
Ceramics Therapy for the Mentally Ill, I
Ceramics Therapy for the Mentally Ill, II
Rehabilitation, Daily Living Skills--Mentally Ill
Learning to Work with Handicapped Individuals
Handicapped: Legal Rights
Handicapped Child Care Assistance Training
Life Management Skills-Disabled Adults
Dance Therapy--Mentally Ill
Teaching Developmental Activities to the Handicapped Child
Therapeutic Recreation for the Mentally Ill, I
Therapeutic Recreation for the Mentally Ill, II
Using Behavioral Modifications for the Developmentally Disabled

Chesapeake College

Communication with the Deaf, I

Dundalk Community College

Historical Perspectives
Historical Perspectives, Fr
Film Form--Senior Centers, Hospitals, Nursing Homes, I
Film Form--Senior Centers, Hospitals, Nursing Homes, II
Film Form--VA Hospitals, I
Film Form--VA Hospitals, II
Ceramics for the Handicapped in Hospital Settings
Ceramics--Mental Health Clinics

Dundalk Community College contd.

Painting for Senior and Mental Health Centers, I
Painting for Senior and Mental Health Centers, II
Art Therapy--Hospitals and Day Centers, I
Art Therapy--Hospitals and Day Centers, II
Leathercraft for the Handicapped in Hospital Settings
Painting--Hospital Settings, I
Painting--Hospital Settings, II
Music Education--Senior Citizens and Handicapped, I
Music Education--Senior Citizens and Handicapped, II
Music Education--Senior Citizens and Handicapped, III
Typography, Printing, Photography for the Handicapped in Hospitals
Horticulture for Senior Citizens and Handicapped in Therapists Settings
Physical Education for Senior and Mental Health Centers, I
Physical Education for Senior and Mental Health Centers, II
Physical Education for Senior and Mental Health Centers, III
Physical Education for Senior and Mental Health Centers, IV
Creative Career Development--Hospitals
Creative Job Search Teachings--Handicapped and Disadvantaged
Study Skills for the Handicapped

Essex Community College

Children's Development Clinic, I
Children's Development Clinic, II
Legal Rights Update

Frederick Community College

Sign Language, Father and Males
Law and the Handicapped
Handicapped Aids, I

Garrett Community College

Personal Development
Developmental Education for the Handicapped

Hagerstown Junior College

Architectural Barriers

Howard Community College

Needs for the Handicapped
Peer Counselor Training for the Handicapped

THE PLANNING PROCESS

The Statewide Plan for the Delivery of Occupational Programs and Services to Handicapped Students in Maryland Community Colleges is designed to assist colleges in preparing for an increased handicapped student enrollment as a result of Federal requirements and to improve the quality of education for handicapped students. Because few states had developed comparable plans, a variety of sources was used to arrive at the recommendations of this Plan. The recommendations will be subject to continued analysis and revision.

Much of the literature about serving handicapped students in higher education is obsolete as a result of the Federal Section 504 regulation. Documents published before May 1977 often contain recommendations that are no longer legal under the 504 mandate. To assist colleges in learning to serve handicapped students, information on relevant publications was sent to each college coordinator of the Section 504 Self-Evaluation. (See Appendix A.) A review of the literature revealed several free government publications that would be useful to a college facilitator of services for handicapped students. Little information, however, is available on planning at the state level for Section 504.

ADVISORY COMMITTEE

A 22-member advisory committee, representing education, rehabilitation, State planning, the disabled community, the legislature, and the Governor's office, assisted the State Board for Community Colleges in developing the Plan. This group helped with the design of the planning process, major issues which arose in the information gathering state of planning, and the first draft of the Plan. The advisory committee met three times, and members assisted individually as well.

SURVEY OF OTHER STATES

The State Board for Community Colleges Executive Director requested information from the directors of other state boards for community colleges or their counterparts on statewide planning for handicapped students in their respective states. Responses indicated that with a few exceptions, notably California and Connecticut, no statewide study has been made of the needs of handicapped students in community colleges or of the projected impact of increasing services under the requirements of Section 504. Statewide planning for handicapped people in community colleges is a new area.

California

California's community college system has been the forerunner of systemwide services for handicapped students in the United States. State law provides that all education is free for citizens below the age of 21. The lack of community college tuition has encouraged handicapped adults to take advantage

of postsecondary education. The philosophy of services for handicapped students in this system is probably the closest to the philosophy of Section 504.

The office of the Chancellor of California community colleges administers state funding for marginal costs of serving handicapped students as mandated by California Assembly Bill 77. This has provided the only available data base on state funding for the marginal costs of serving handicapped students. This legislation provides for the reimbursement of colleges for the marginal costs of special services and other aids up to $785 per handicapped student. If the Department of Rehabilitation determines that a student is severely handicapped, the colleges can claim up to $1,570 in state aid per severely handicapped student. A ceiling is placed on funds with an annual adjustment in the appropriation. Mainstreaming the disabled student in the regular programs of the college is emphasized although special classes can be provided and funded as needed. The Chancellor's office reviews colleges' annual comprehensive plans for services to handicapped students; procedures have been established for projecting costs and verifying the expenditure of state funds. Assembly Bill 77 also requires that the Chancellor's office cooperate with the state Department of Rehabilitation in developing guidelines for the legislation, reviewing programs of the colleges and determining which students are severely disabled for funding purposes.

In 1976-1977, the average marginal cost per handicapped student in California community colleges was $578. Typical services and equipment purchased with these funds include interpreters for deaf students, readers for blind students, note-takers for students with many disabilities, mobility assistants, teletypes, tutoring, transportation, and counseling. (See Table 1.)

Table 1

CALIFORNIA COMMUNITY COLLEGE SYSTEM
AVERAGE MARGINAL COSTS PER HANDICAPPED STUDENT[1]

Service	Amount per Handicapped Student
Special facilities	$ 57.51
Special educational material	36.38
Special educational assistance (including part-time professional specialists)	410.56
Mobility assistance	14.61
Transportation	31.62
Program development services (for administration of State funding)	27.50
TOTAL	$578.18

[1] Figures are given per headcount student, not per full-time equivalent.

Since the funding program began in 1974, the enrollment of handicapped students has grown substantially. In 1976-1977, there were approximately 26,000 handicapped students being served in California community colleges, or 3.6 percent of the total headcount enrollment.

The reimbursement procedure used in California has certain advantages. Community colleges are encouraged to provide services but not to identify and label disabled students who do not want or need services. To illustrate, once a campus is architecturally accessible to students in wheelchairs, many of these students will not require additional services or equipment. If a flat sum of each handicapped student were granted to colleges, colleges would be reimbursed for students who no longer need services. The disparity of marginal costs per student among the disabling conditions also is very large. It ranges from zero, as illustrated above, to about $4,000 for a full-time student who is deaf and requires a classroom interpreter and note-taker. A major disadvantage of the reimbursement procedure is that it can become administratively cumbersome.

A disabled graduate student who had formerly attended a California community college analyzed self-reported information on 898 disabled students and former students who had been enrolled in the California community college system during 1974-1975. Among her findings:

1 - Two-thirds of the disabled students were above age 26 when in college.

2 - The dropout rate for disabled students was slightly less than for able-bodied students.

3 - Respondents indicated medical problems and financial problems as the primary and secondary reasons for dropping out.

4 - Two-thirds of the respondents were receiving either Supplemental Security Income or Supplemental Security Disability Income. Approximately three in ten were employed at the time of the survey.

5 - Students' initial goals for entering college were preparing for an advanced degree, self-improvement, and vocational preparation.

Connecticut

Connecticut's Commission for Higher Education was the first state agency to complete statewide planning for handicapped students in all segments of higher education. This commission has incorporated the findings of a task force on services for the physically handicapped into its *Master Plan for Higher Education in Connecticut*. Many of the recommendations in the biennial supplement to the Plan for 1974-1979 are now required of all institutions under Section 504. For example, the Connecticut master plan's requirement of a statewide survey of buildings for eventual architectural barrier removal is similar to the plan required by the Department of Health, Education and Welfare.

Also recommended in Connecticut's study were regional centers of concentrated support services for specific handicaps. This approach was seen as a cost-effective means of serving handicapped students whose disabilities result in high marginal costs.

Other States

Services for handicapped students in several other states are concentrated on one or more campuses rather than being provided on a statewide basis. In Kentucky, for example, four community colleges offer support services which include tutorial assistance, liaison with classroom teachers, developmental skills programs, tape bank facilities, learning laboratories, adaptation of certain course materials, how-to-study courses, orientation sessions, job placement and follow-up, mobility assistance, assistance with registration, financial aid, class scheduling, in-service training of faculty and staff, and special parking. Similar programs of support services are concentrated in a few community colleges in Arizona, Idaho, and Pennsylvania.

Although Section 504 does not preclude the establishment of concentrated services at a few institutions of higher education, it does require that all colleges provide reasonable accommodations to the needs of disabled students. In the past, a college with concentrated services may have been viewed as the "college for the handicapped" and, as a result, handicapped students were sometimes discouraged from attending other colleges, greatly limiting freedom of choice. Special programs and resource centers should be but one of many options for handicapped students.

THE DISABLED COMMUNITY

Handicapped adults are a long overlooked minority group which has recently banded together to garner support for their mutual interests. The disabled community is a very complex one comprised of many special interest groups and a few coalitions. Each disability has a special set of needs and within each disability the spectrum of severity adds other dimensions. These factors make it difficult to generalize about the needs of a particular disability group, let alone about the needs of all disabled people. In an effort to learn about the similarities and differences, disabled consumers and their advocates were interviewed to determine the needs of adults with particular handicaps. Efforts were made to locate those familiar with community college programs as well as with the disability in question. The Governor's Office for Coordination of Services to the Handicapped provided names of knowledgeable consumers and advocates. Consumers and/or advocates from the following organizations and agencies were contacted:

Access (a committee concerned with the education of special students - Montgomery County)
American Coalition of Citizens with Disabilities
American Foundation for the Blind
Association for Children with Learning Disabilities
Baltimore Association for Retarded Citizens

Baltimore County Coalition for the Handicapped
Baltimore League for the Handicapped
Developmental Disabilities Council
Epilepsy Association
Maryland School for the Deaf Alumni Association
National Association of Students with Handicaps
National Federation of the Blind
Organization for Use of the Telephone
Paralyzed Veterans of America
Prince George's Coalition for the Handicapped
Project HEATH (Higher Education and the Handicapped)
United Cerebral Palsy

Consumers and advocates indicated several common concerns which should be incorporated in statewide planning.

1 - All groups were concerned about staff development to sensitize faculty and staff to the needs of disabled people. Attendance at a community college brings a student into contact with a large number of people, and these contacts can be very discouraging if staff members have a negative attitude toward disabled people. In many cases, the staff reaction comes from fear of the unknown and education can help in overcoming negative attitudes.

2 - One staff member on campus should be responsible for coordinating services for handicapped students and for assisting faculty by providing information. Although a handicapped student should not be forced to use this person as a counselor, the facilitator acts as a focal point for service delivery and as an advocate.

3 - Once an accommodation is made for the disabled student, the disability is much less (or not at all) limiting. While students cannot be forced to take advantage of services, they should be aware of the services and choose those services which they require.

4 - Transportation access to colleges is inadequate because many disabled people cannot drive, and the poor quality of existing transportation services often results in the disabled person remaining homebound. Since disabled people are typically low income, even those who can drive do not have automobiles. Although transportation problems are not unique to handicapped people, they do have a disproportionately large effect on a disabled person's ability to take advantage of available services.

5 - The continuing education area provides opportunities for handicapped people that would not exist elsewhere. Community colleges should continue offering courses in continuing education for handicapped adults, including those who are intellectually limited.

6 - Colleges should provide auxiliary aids to students without duplicating existing services in the community. Therefore, colleges will need to become involved with agencies and organizations which serve handicapped people and to use them as resources whenever possible.

7.- The philosophy most commonly espoused was that of maximum integration of handicapped students into regular programs in an environment that encourages student independence while accommodating special needs.

Differential Needs of Disabled People

In the following listing, some of the specific concerns of disability groups are presented. These recommendations are not intended to be comprehensive, and each college will need to consult with disabled people in its community to gather information on its needs.

1 - Mobility impaired, blind, and some developmentally disabled people (such as those with severe cerebral palsy) need improved transportation access to college campuses.

2 - Deaf citizens favor direct communication and prefer that staff members learn sign language. Because of their educational needs and communication needs, deaf citizens would need at least one college to offer specific in-depth support services, including several staff members who are fluent in sign language.

3 - Students with learning disabilities need to be able to use alternate learning strategies to meet the same requirements as students who do not have these disabilities. This will require flexibility and understanding on the part of community college faculty.

4 - Mentally retarded individuals need training in basic academic skills, survival skills essential to independent living, interpersonal skills, and vocational information. Although integration is an ultimate goal, it is recognized that many of these needs are not common to the community in general, and special classes and programs are often needed.

5 - To identify individual needs of disabled students, colleges should learn to ask students what their needs are and to plan accordingly. It is crucial that college personnel remember that the disabled are students.

PERSPECTIVE OF COMMUNITY COLLEGES

Survey of Community Colleges

The State Board for Community Colleges surveyed Maryland community colleges to determine their anticipated needs in serving handicapped students. Colleges also were asked to project enrollments of handicapped students for fiscal years 1979 and 1980 based on previous experience with handicapped individuals, the size of the overall student body, and the anticipated impact of Section 504.

For each functional disability (as listed in the Guide to the Section 504 Self-Evaluation), colleges projected marginal capital and operating costs for serving students with each disability in fiscal years 1979 and 1980. The

survey requested a general description of the services, materials, and modifications that would generate these additional costs. Colleges were asked to indicate which programs would be made accessible as a result of these expenditures and to project whether costs would increase, decrease, or remain the same after FY 1980.

In general, survey responses indicated an understanding of the demands of Section 504 as they relate to architectural modifications. Data on marginal costs of serving students with nonambulatory and semi-ambulatory disabilities were more complete than were data on other disabling conditions. Contact with handicapped people seemed to result in more detailed responses on survey items. As one respondent noted, "In several places the survey asked how projected costs were determined . . . In some instances capital expenditures were determined by surveys our staff has completed over the past year . . . However, operating budget expenditures were more difficult to project . . . Our college has had some experience with visually handicapped people and with people with hearing disabilities . . . In these two areas, our projections were based on our experience to date with these populations . . . in most of the other populations we have just begun to understand the needs created by students with these disabilities."

Results of this survey are indicated in the enrollment section and under cost descriptions for proposed services and modifications.

Interviews with Section 504 Coordinators

Each college has at least one staff member who is familiar with the requirements of Section 504 since the regulation requires that the President of each institution designate a staff member to coordinate the institutional self-evaluation. These coordinators have assumed the responsibility of an institutional self-study in addition to their regular duties. Staff appointed to conduct this self-study represent varying components of the community college. The student services area has the largest representation with 504 coordinators of six colleges having primary duties in this sector. The remaining coordinators have primary responsibilities in diverse areas, including development, personnel, community services, the business office, and instruction. An advantage of this diversity is that each college coordinator has a different perspective on the impact of Section 504.

These Section 504 coordinators were interviewed about major problems that their colleges might encounter in making programs accessible to handicapped students.

When asked what would be the greatest problem for their colleges in making programs accessible, many said changing resistant attitudes toward handicapped people among faculty and staff. Part of the reason for this resistance is the origin of the mandate. In most cases, the Federal government, not the leadership of the college, proclaimed that handicapped students would be a college priority. College leaders will need to show a commitment to making college programs accessible to all of the citizens of the community before the attitudinal barrier will be lowered. The coordinators reported that many of the

recurring questions from facilities centered around instruction."How far do we have to go in making our classes accessible?" "Do we have to make all modifications now, or can we wait until we have disabled students?" "Will I have to change the way I teach?" Such reasonable concerns as these can be topics for in-service training sessions.

As one Section 504 coordinator expressed it, "Many people are afraid . . . If they see a disabled student having some problem in getting around campus, they don't know what to do, and rather than ask, they pretend they don't see . . . they need some positive contact with disabled people to learn that they are not made of glass."

Administrators had other recurring concerns. "How will we pay for these services and changes?" "Where can I find the support services, such as interpreters, that students need?" The coordination of services and funding of excess costs were major problems foreseen by the coordinators of the Section 504 Self-Evaluation.

When asked about systemwide needs, most cited additional funding to meet these new budgetary demands, in-service training, and clearinghouses or referral systems to assist colleges in learning how to handle problems and locate resources.

Interviews with Other College Personnel

Community college staff currently working with handicapped students in an integrated college setting met at the State Board for Community Colleges to discuss systemwide issues. The following concerns were expressed.

1 - One of the greatest problems for college personnel is the difficulty in striking a balance between over-protecting handicapped students, thus fostering dependence, and neglecting the individual needs of disabled students. Community college faculty and staff will learn this process by trial and error as have many educators in the elementary and secondary schools who are encountering handicapped students in their classrooms. Especially in the early years of serving handicapped students, a knowledgeable facilitator on each campus could assist college personnel in identifying tasks that should be done independently by students or that require special arrangement.

2 - Some handicapped students are assertive in requesting assistance and special services but many others are timid and unable to articulate their special needs. Differences in personality and ability will be a partial determiner of the type and extent of service that colleges will provide. A facilitator/counselor can help students cope with the often unfamiliar demands of a new environment.

3 - Faculty and staff should receive in-service training on specific accommodations that will be needed for handicapped students.

4 - Diagnostic screening for individual learning problems benefits all students and may identify some previously undiagnosed learning disabilities among the community college population.

5 - The role of vocational rehabilitation should be clearly understood by the entire community college system. The college facilitator of services for handicapped students should know the vocational rehabilitation process from first referral of the client through closure of the client's case.

6 - All colleges need additional information about integrating handicapped students in the community college setting. Therefore, colleges should share information and experiences. Resource centers which emphasize specific disabling conditions would be useful in the community college system provided they are not misused as a means of segregating students according to disability. A Statewide affinity group of community college personnel working with disabled people could work together to achieve mutual goals.

7 - Additional funding will be needed for the ongoing expenses of providing support services for handicapped community college students. If such funding is forthcoming, its distribution must take place in an equitable manner according to student needs.

College Self-Evaluations

The self-evaluation documents of the eleven community colleges which had completed them give an indication of the modifications necessary in policies, procedures, and practices.

Although each self-evaluation is different, there are several recommendations shared by many or most colleges.

1 - Recruitment efforts need to include special education classes and schools as well as regular public high schools. College publications must include language in affirmative action statements relating to the admission and hiring of qualified handicapped persons.

2 - Further study into admission requirements for some occupational programs is recommended to identify possible factors that discriminate against qualified handicapped people.

3 - Staff development will be needed on the topic of serving handicapped students in the college classroom and on Section 504 requirements.

4 - Colleges will establish some form of centralized referral process to assure smooth integration of handicapped students into college programs. Usually the student services area is the recommended locus of this central office or facilitator of services for handicapped students.

5 - Colleges will provide equipment and assistance to students to accommodate the needs as the situation arises.

Other Activities Affecting Service Delivery

Project HEATH (Higher Education and the Handicapped). The Governor's Committee to Promote Employment of the Handicapped has acquired a CETA position

to stimulate technical assistance activities for institutions of higher education in the Baltimore metropolitan area. Community college representatives in the Project HEATH group have been particularly active in developing media materials for staff development purposes. The HEATH subcommittee on media includes representatives from Harford Community College, Essex Community College, Catonsville Community College, and the State Board for Community Colleges. Using exemplary funds from the Division of Vocational-Technical Education, the subcommittee has contracted with a television production consultant to produce a series of short videotapes on the needs of disabled students. Disabled former students will be featured in these tapes intended for individual and group use.

Transportation Study. The Department of Transportation is currently conducting an in-depth study of the transportation needs of disabled and elderly adults in the Baltimore metropolitan area. The study, to be completed in FY 1980, will provide information about transportation access for handicapped citizens and will contain extensive population information on mobility-impaired individuals.

DEFINITIONS

AUXILIARY AIDS - Materials, supplies, equipment, and personnel necessary to make programs readily accessible to qualified handicapped people.

CREDIT PROGRAM - A State-approved, planned series of courses leading to a certificate or degree. While the majority of community college students in Maryland are enrolled in occupational programs, which are the focus of this Plan, the term applies to all certificate and degree sequences of courses.

DEVELOPMENTAL EDUCATION - Courses and services designed to help persons become more successful students through a focus on both academic skills and personal issues. Developmental education usually involves a team of professionals who assume that students have a broad range of strengths and who help students explore attitudes about themselves and the learning process.

DISABILITY - Condition of physical or mental impairment that substantially limits one or more major life activities.

EQUAL ACCESS - The concept that each person should have comparable opportunity to pursue a community college education regardless of age; sex; race; previous educational experience; geographic location; or economic, cultural, or physical education.

FACILITATOR - Staff member whose duties include coordinating services for handicapped students, assisting faculty and staff in meeting the needs of handicapped students, and, when necessary, acting as an advocate for handicapped students.

FULL-TIME EQUIVALENT STUDENT - Total credit and equated credit hours divided by 30 (used in financial planning).

GOAL - An end or aim that an organization strives to attain; goals are more specific than the mission and less specific than objectives.

HANDICAP - Condition of physical or mental impairment that substantially limits one or more major life activity. (In this Plan, the terms "handicap" and "disability" are synonymous.)

LEARNING DISABILITY - A specific problem in using written or spoken language, including learning problems which are not a result of physical handicap and not a result of mental retardation or emotional difficulties.

MARGINAL COST - The difference between the total cost of serving a handicapped student and the total cost of serving an able-bodied student. Typical marginal costs include expenditures for auxiliary aids.

MISSION - The overall task of an organization or system stated in broad terms.

OBJECTIVE - A specific desired result in support of a goal; objectives are usually measurable and stated with a deadline.

REASONABLE ACCOMMODATION - Adjustments in services, requirements, scheduling, provision of devices, structure of facilities to assure qualified handicapped students equal access to all programs.

REMEDIAL EDUCATION - Courses and/or services designed to remedy deficiencies in preparation for college-level work, especially in reading, writing, and mathematics.

SECTION 504 - A section of the Rehabilitation Act of 1973 (P.L. 93-112) which provides that "no otherwise qualified individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any activity receiving Federal financial assistance."

STUDENT SERVICES - Activities which help students, individually and in groups, take full advantage of the opportunities offered in the academic community.

Appendix E

MATERIALS TO ASSIST IN SERVING HANDICAPPED STUDENTS IN MARYLAND COMMUNITY COLLEGES

I. RECOMMENDED FOR ACQUISITION BY INDIVIDUAL COLLEGES

The White House Conference on Handicapped Individuals - Volume One: Awareness Papers, 1977. 466 pages.

Available from: The Office for Handicapped Individuals
Office for Human Development
Department of Health, Education and Welfare
Washington, D. C. 20002

Price: Free; copies limited.

Abstract: The Awareness Papers are a compilation of readable papers on various aspects of the disabled person's life. A good information source for those who have had little contact with handicapped people. Major topics covered are: Health Concerns, Social Concerns, Economic Concerns, Educational Concerns, and Special Concerns.

Directory of National Information Sources on Handicapping Conditions and Related Services, 1977. 405 pages.

Available from: The Office for Handicapped Individuals
Office for Human Development
Department of Health, Education and Welfare
Washington, D. C. 20002

Price: Free; copies limited.

Abstract: The Director lists and provides abstracts for 270 national organizations and federal information sources which deal with handicapped citizens. Some community college administrators have expressed concern about locating specific information on outside services for students with disabilities. This publication should help in meeting this need.

Federal Assistance for Programs Serving the Handicapped, 1977. 333 pages.

Available from: The Office for Handicapped Individuals
Office for Human Development
Department of Health, Education and Welfare
Washington, D. C. 20002

Price: Free; copies limited.

Abstract: Contains fairly detailed information on federal funding sources. For each source, the following information is provided: Program Description, Use and Use Restrictions, Types of Assistance, Eligibility Requirements, Application Procedures, Appropriations, Program Accomplishments, Enabling Legislation, and Information Contact. The reader is referred to the 1977 *Catalog of Federal Domestic Assistance* for more information.

Accommodating Students Who Have Physical Disabilities, 1975. 200 pages.

Available from: ERIC Document Reproduction Service
P. O. Box 190
Arlington, Virginia 22210

ERIC No. ED 115 046

Price: $ .83 for microfiche
9.50 for hard copy

Abstract: This report details the implications of various disabling conditions in serving handicapped students in community colleges. Although written for Massachusetts community colleges, most of the information will also be very valuable to Maryland community colleges. Chapter titles: The Student Population to be Served; Program Management; Architectural Accommodation; Admissions; Counseling and Advisement; Instructional Services; Job Placement; Bibliography. Because recommendations are specific for various disabilities and not general like much 504-related literature, this document is highly recommended for acquisition by community colleges which have had little previous experience in serving handicapped students.

Proceedings of the Disabled Student on American Campuses: Services and State of the Art, 1977. 307 pages.

Available from: Mr. Pat Marx
Director
Handicapped Student Services
Wright State University
Dayton, Ohio 43435

Price: Free; copies limited.

Abstract: A national conference entitled "The Disabled Student on American Campuses: Services and State of the Art" was held at Wright State University August 21-25, 1977. The proceedings contain approximately 70 papers on a wide range of topics related to serving handicapped students on college campuses. Major topics covered are: Principles of Operation; Access; Planning; Services; Attitudes; Research, Evaluation, and Finance; and Law. Also included are a conference evaluation and list of participants. Each section consists of several papers on the topic, a summary of group discussion on that topic, and recommendations made as a result of the discussion.

Guide to the Section 504 Self-Evaluation for Colleges and Universities, 1978. 127 pages.

Available from: The Office for Civil Rights
Department of Health, Education and Welfare
330 "C" Street, S.W.
Washington, D. C. 20201

Price: Free.

Abstract: This document contains a wealth of information on Section 504 and higher education. The self-evaluation questions should be useful to college personnel who are charged with identifying barriers and discriminating practices. Most community colleges in Maryland probably already have a copy of the Guide and several of Maryland's community colleges have used it as the basis for their institutional self-evaluations required under Section 504.

Planning for Implementation of Section 504 in Colleges and Universities, by Sharon Mistler, 1978. 13 pages.

Available from: Regional Rehabilitation Research Institute
on Attitudinal, Legal, and Leisure Barriers
The George Washington University
1828 "L" Street, N.W.
Suite 704
Washington, D. C. 20036

Price: Single copies free.

Abstract: This booklet is a readable introduction to Section 504 and covers the rationale for the law, the basic provisions, and the type of services typically provided under reasonable accommodation. Recommended reading for staff development purposes.

Recruitment, Admissions, and Handicapped Students: A Guide for Compliance with Section 504 of the Rehabilitation Act of 1973, 1978. 50 pages.

Available from: Mr. James D. Bennett
Director
Technical Assistance Unit
Office of Program Review and Assistance
Office for Civil Rights
330 Independence Avenue, S.W.
Washington, D. C. 20201

Price: Free.

Abstract: This publication, like the yellow NACUBO document, was prepared under contract from HEW. Its focus is admissions procedures and policies. Each section contains a quotation from the regulation, a statement of clarification, imperatives for compliance, and suggested activities. The appendices include list of national organizations of handicapped persons, state administrators of vocational rehabilitation, and additional clearinghouses and sources of information. (Bill Philipp of Catonsville Community College served on the task force that produced this document.)

Vocational Education: A Manual of Program Accessibility for the Physically Disabled Two-Year College Applicant, 1977. 215 pages.

Available from: ERIC Document Reproduction Service
P. O. Box 190
Arlington, Virginia 22210

ERIC No. ED 145 868

Price: Unknown.

Abstract: Fifty occupational programs are analyzed according to general features, course requirements, classroom procedures, classroom setting, course's work environment, academic tasks, lab/shop/fieldwork setting, physical and personality demands of occupational training, and job characteristics, including information on physical demand from the *Dictionary of Occupational Titles*. This manual is a product of the State University of New York, Coordinating Area No. 4; and, therefore, it focuses on occupational programs offered in New York community colleges.

A Guidance Manual for the Physically Disabled Two-Year College Applicant, 1977. 104 pages.

Available from: ERIC Document Reproduction Service
P. O. Box 190
Arlington, Virginia 22210

ERIC No. ED 144 648

Price: Unknown.

Abstract: The manual indicates the presence or absence of the following in New York community colleges: twenty-four physical accessibility factors, counseling and support services for disabled students; equipment and other accommodations; and number of handicapped students on campus.

II. AVAILABLE FOR USE IN STATE BOARD FOR COMMUNITY COLLEGES LIBRARY

A. Information on Serving Handicapped Students in Postsecondary Education

1. *Accommodating Students Who Have Physical Disabilities.* (1975, 200 pages.)
   Technical Education Research Center
   44 Brattle Street
   Cambridge, Massachusetts 02138

2. *Guide to the Section 504 Self-Evaluation for Colleges and Universities.* (1978, 128 pages.)
   National Association of College and University Business Officers
   One DuPont Circle
   Washington, D. C. 20036

3. *Operational Guideline: Programs for the Handicapped.* (1977, approximately 65 pages.)
   California Community Colleges
   Sacramento, California 95813

4. *Proceedings of the Disabled Student on American Campuses: Services and State of the Art.* (1977, 307 pages.)
   Handicapped Student Services
   Wright State University
   Dayton, Ohio 45401

5. *Provision for the Physically Disabled, A Report to the Connecticut Commission for Higher Education.* (1975)

6. *Feasibility Study of Postsecondary Education for Deaf People in Maryland.* (1978)
   Howard Community College
   Columbia, Maryland 21043

7. *Information Packet on Serving Deaf Students in Community Colleges.* (1978)
   Howard Community College
   Columbia, Maryland 21043

8. *Reading List - Materials on Blindness.* (1978)
   Catonsville Community College
   Catonsville, Maryland 21228

9. Individual Community College Plans for Serving Handicapped Students, 1977-1978. (From California Chancellor of Community Colleges.)

   a) *Comprehensive Plan - Handicap Services, 1977-78.*
      Grosmont College

   b) *Comprehensive Plan for Special Services and Programs for Disabled Students, 1977-78.*
      Allan Hancock College

   c) *A Community College Comprehensive Plan for the Physically and Learning Handicapped Student.* (1977)
      Mount San Antonio Community College

10. Student Handbooks and Directories.

   a) *Campus Advocacy: How To Start an OPIDS.* (Office to Promote the Independence of Disabled Students) (6 pages)
      University of Georgia
      Athens, Georgia

   b) *Collegiate Services to Handicapped Students in Michigan's Higher Education Institutions.* (Working draft) (1978, 45 pages.)
      Michigan Department of Education

   c) *The College Guide for Students with Disabilities.* (1976, 545 pages.) (A detailed director of higher education services, programs, and facilities accessible to handicapped students in the United States.)
      Abt Publications
      Cambridge, Massachusetts

   d) *Getting Through College with A Disability.* (1977, 64 pages.) (A summary of services available on 500 campuses for students with handicapping conditions.)
      President's Committee on Employment of the Handicapped
      Washington, D. C. 20201

e) *Handbook for the Handicapped.* (24 pages)
University of South Florida

f) *MIGHT: A Guide to the University of Texas at Austin for the Mobility Impaired.* (1977, 53 pages.)

B. General Information on Disabled People

1. *Director of National Information Sources on Handicapping Conditions and Related Services.* (1976, 405 pages.)
Office for Handicapped Individuals
Office for Human Development
Department of Health, Education and Welfare

2. *Facts about Handicapped People.* (Pamphlet)
President's Committee on Employment of the Handicapped
Washington, D. C. 20210

3. *Housing and Handicapped People.* (1976, 128 pages.)
President's Committee on Employment of the Handicapped
Washington, D. C. 20210

4. *Pathways to Employment.* (1977, 54 pages.) (Recommendations made during the meeting of the President's Committee on Employment of the Handicapped. November 22-23, 1976.)
President's Committee on Employment of the Handicapped
Washington, D. C. 20210

5. *Prevalence of Selected Impairments - United States - 1971.* (1973, 64 pages.)
National Center for Health Statistics
Department of Health, Education and Welfare
Public Health Service
Health Resources Administration

6. *The White House Conference on Handicapped Individuals, Volume One: Awareness Papers.* (1977, 466 pages.)
Office for Handicapped Individuals
Office for Human Development
Department of Health, Education and Welfare

C. Funding Information

1. *Federal Assistance for Programs Serving the Handicapped.* (1977, 333 pages.) (Excerpts from the 1977 *Catalog of Federal Domestic Assistance* targeted at the population of handicapped citizens.)
Clearinghouse on the Handicapped
Office for Handicapped Individuals
Office for Human Development
Department of Health, Education and Welfare

2. *Funding Guide for the Removal of Environmental Barriers.* (May 1976, 22 pages.) (Lists authorizations, descriptions, eligibility requirements, and contracts for eighteen sources of federal funds.)
   Architectural and Transportation Barriers Compliance Board
   Washington, D. C. 20201

3. *A Summary of Selected Legislation Relating to the Handicapped, 1975-76.* (42 pages) (Describes in general terms the legislation and regulations of this period. Somewhat outdated.)
   Clearinghouse on the Handicapped
   Office for Handicapped Individuals
   Office for Human Development
   Department of Health, Education and Welfare
   Washington, D. C. 20201

4. *Key Federal Regulations Affecting the Handicapped, 1975-76.* (74 pages) (Describes in general terms the legislation and regulations of this period. Somewhat outdated.)
   Clearinghouse on the Handicapped
   Office for Handicapped Individuals
   Office for Human Development
   Department of Health, Education and Welfare
   Washington, D. C. 20201

D. Architectural Barriers

1. *Architectural and Transportation Barriers Compliance Board.* (Pamphlet)
   Architectural and Transportation Barriers Compliance Board
   Washington, D. C. 20201

2. *Access America: The Architectural Barriers Act and You.* (Pamphlet)
   Architectural and Transportation Barriers Compliance Board
   Washington, D. C. 20201

3. *Architectural Checklist - Making Colleges and Universities Accessible to Handicapped Students.* (Pamphlet)
   President's Committee on Employment of the Handicapped
   Washington, D. C. 20210

4. *Architectural Accessibility for the Disabled of College Campuses.* (1976, 133 pages.)
   Architectural and Transportation Barriers Compliance Board
   Washington, D. C. 20201

5. *Into the Mainstream: A Syllabus for a Barrier-Free Environment.* (1976, 44 pages.) (Stock No. 017-061-00035-6)
   The American Institute of Architects
   U. S. Government Printing Office

6. *American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped.* (1971, 11 pages.)
   American National Standards Institute, Inc.
   1430 Broadway
   New York, New York 10018

7. *Programming an Adapted Physical Education Facility.* (26 pages)
   School of Design
   North Carolina State University
   Raleigh, North Carolina 27607

8. *Barrier Free Design: The Law.* (Federal ANSI Standards and New York Standards.) (1976)
   Eastern Paralyzed Veterans Association
   432 Park Avenue, South
   New York, New York 10016

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